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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,864	05/10/2001	Jo Wada	7217/64551	5148
7590	03/14/2005		EXAMINER	
COOPER & DUNHAM LLP 1185 Avenue of the Americas New York, NY 10036			MISLEH, JUSTIN P	
			ART UNIT	PAPER NUMBER
			2612	
DATE MAILED: 03/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/852,864	WADA, JO	
	Examiner	Art Unit	
	Justin P Miseh	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 September 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 - 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 - 10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to Claims 1 – 10 have been considered but are moot in view of the new grounds of rejection.
2. The Examiner accepts Applicant's amendments to the title, specification, and drawings; there are no further objections thereof.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. **Claims 1 – 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suso et al. in view of Kfouri.
5. For **Claim 1**, Suso et al. disclose, as shown in figures 3A, 3B, 5A, 5B, and 6 and as stated in columns 2 (lines 49 – 65), 4 (lines 63 – 67), 5 (lines 1 – 33), 6 (lines 43 – 47), 8 (lines 60 – 68), and 9 (lines 1 – 11 and 44 – 56), a portable terminal unit (see cited figures) comprising:
 - a case main body (comprising lower case 2);
 - a lid portion (upper case 1) foldable (see figure 5A) in a first rotational direction through a hinge portion (6, 7, 8) with respect to said case main body (2 and 8);
 - a display (display part 4) provided on said lid portion (upper case 1); and

a picture taking device (camera lens 9 by means of housing member 8) located on said case main body (2).

However, Suso et al. does not disclose wherein said lid portion is rotatably installed by said hinge portion in a second rotational direction intersecting perpendicularly with said first rotational direction.

On the other hand, Kfouri also disclose a portable terminal unit including a lid portion and a hinge portion. More specifically, Kfouri discloses, as shown in figures 3, 4, and 10 – 13, a portable terminal unit including a lid portion (204) foldable in a first rotational direction (see figures 10 and 11) through a hinge portion (214; see figures 3 and 4), wherein said lid portion (204) is rotatably installed by said hinge portion (214) in a second rotational direction intersecting perpendicularly with said first rotational direction (see figures 12 and 13).

As stated in column 2 (lines 13 – 16) of Kfouri, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the lid portion rotatably installed by the hinge portion in a second rotational direction intersecting perpendicularly with the first rotational direction, as taught by Kfouri, in the portable terminal unit, disclosed by Suso et al., for the advantage of improving the adaptability of user interfaces in portable electronic devices allowing multimode operation while reducing manufacturing time and cost.

6. As for **Claim 2**, the claim language recites wherein said picture taking device is disposed on the rear face of a flat portion of said case main body. The picture taking device (9) is housed within housing member (8) which is located on the case main body (2). The case main body (2), as shown in figure 1C, is substantially rectangular comprising a minimum of four flat faces

wherein along a horizontal axis (with respect to the drawing) from left to right resides a top face and a back face, respectively, and along a vertical axis (perpendicular to the horizontal axis) from up to down resides a rear face and a front face, respectively. As clearly shown in figures 1 and 2 and according to the Examiner's interpretation, the housing member (8) housing the picture taking device (9) is located on the rear face of a flat portion of said case main body (2).

7. As for **Claim 3**, Suso et al. disclose, as shown in figures 1 and 2, wherein said picture taking device (9) is disposed on a side face (top side) of said case main body (2).
8. As for **Claim 4**, Suso et al. disclose, as shown in figures 6 and 7 and as stated in columns 4 (lines 63 – 67) and 5 (lines 1 – 41), the portable terminal unit (see cited figures) according to Claim 1 further comprising:

an operating device (the entire "LCD touch panel" feature of display parts 4 and 5 including touch cursor button 15 and touch determination button 16) for selecting a menu item (either "1 Recording", "2 Transmission/Reception", or "3 Information Acquisition") by moving a cursor (17) on a menu (14) displayed on said display (display part 4), wherein said menu item (either "1 Recording", "2 Transmission/Reception", or "3 Information Acquisition") is selected by pressing said operating device (see column 5, lines 4 – 9), and wherein

a picture taking mode ("1 Recording") for taking a picture is selected by operating said operating device and a picture is taken with said picture taking device by pressing said operating device (see column 5, lines 43 – 41).

9. As for **Claims 5 and 6**, the claim language requires the portable terminal unit according to Claim 4 further comprising an image encoding/decoding device for encoding a taken picture

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to generate an encoded image and further comprising a data transmitting device for transmitting said encoded image.

Suso et al. disclose an operating mode when the two sides participating in telephony are connected, a self-image of each user is captured and transmitted to the other side for display upon display portion (4), as stated in column 7 (lines 23 – 35). Furthermore, upon operating the operating device (the entire “LCD touch panel” feature of display parts 4 and 5 including touch cursor/scroll button 26c and transmission button 24b), the recorded images are displayed (thumbnail display), as shown in figure 7, the desired image data can be selected and transmitted to the other side.

Insofar as the claim language, Suso et al. disclose a data transmitting device for transmitting said image.

However, Suso et al. do not disclose encoding the image data prior to storage in the memory. Albeit, Official Notice (MPEP § 2144.03) is taken that both the concepts and the advantages of encoding the image data prior to storage in the memory are well known and expected in the art. It would have been obvious to encode the image data prior to storage in the memory as a means to efficiently store therein and maximize the bandwidth across a limited data channel.

10. As for **Claims 7 – 10**, the claim language requires the portable terminal unit according to Claim 4 further comprising an image encoding/decoding device for encoding a taken picture to generate an encoded image and storing said encoded image in a memory, wherein an image to be transmitted is selected by operating said operating device wherein the selected image is displayed on said display prior to transmission, and wherein the selected image is read out

from said memory as an encoded image encoded by said encoding/decoding device and a decoded image is displayed on said display after decoding said encoded image.

Suso et al. disclose 2 different operating modes identified by figures 7 and 8. The first operating mode (see column 5, lines 41 – 67, and column 6, lines 1 – 34) is an image thumbnail review mode and the second operating mode is a television telephone operating mode (see column 7, lines 19 – 59).

In the first operating mode, Suso et al. disclose that once a picture is taken it is recorded in a recording medium built in the lid portion (upper case 1). Upon operating the operating device (the entire “LCD touch panel” feature of display parts 4 and 5 including touch list button 19e), images that have been recorded are reduced (encoded) and displayed in a list table, as clearly shown in figure 7. Furthermore, upon operating the operating device (the entire “LCD touch panel” feature of display parts 4 and 5 including touch cursor/scroll button 21c), a desired image is selected and displayed in display portion (4), also clearly shown in figure 7.

In the second operating mode, Suso et al. disclose when the two sides participating in telephony are connected, a self-image of each user is captured and transmitted to the other side for display upon display portion (4), as stated in column 7 (lines 23 – 35). Furthermore, upon operating the operating device (the entire “LCD touch panel” feature of display parts 4 and 5 including touch cursor/scroll button 26c and transmission button 24b), the recorded images are displayed (thumbnail display), as shown in figure 7, the desired image data can be selected and transmitted to the other side.

Insofar as the claim language, Suso et al. disclose storing said image in a memory, wherein an image to be transmitted is selected by operating said operating device wherein the

selected image is displayed on said display prior to transmission, and wherein the selected image is read out from said memory and is displayed on said display.

However, Suso et al. do not disclose encoding the image data prior to storage in the memory and decoding the encoded when being read from the memory and prior to display. Albeit, Official Notice (MPEP § 2144.03) is taken that both the concepts and the advantages of encoding the image data prior to storage in the memory and decoding the encoded when being read from the memory and prior to display are well known and expected in the art. It would have been obvious to encode the image data prior to storage in the memory and decoding the encoded when being read from the memory and prior to display as a means to efficiently and maximize a limited space storage medium.

Cited Prior Art

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Shibata et al. provides a portable terminal including a main unit having a microphone, a key operation unit, and a radio sending/receiving function of image and sound, a rotation axial unit having a video camera and an operation dial, an image display unit with a touch panel capable of displaying an image taken by the video camera, a received image and a screen for input operation, and a flip unit having the image display unit, a CCD camera, a speaker and an operation button. The rotation axial unit further includes an opening/shutting axis for connecting the main unit and the flip unit in a mutually rotatable way and a rotation axis for connecting the

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flip unit in a way of rotating the flip unit across the above rotation in the horizontal direction, and when the flip unit is opened and rotated across, it is used as a video camera with a monitor.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090 (571.272.7313 ~ March 2005). The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:00 PM and on alternating Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
March 10, 2005

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